

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated March 18, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-23 are pending in the Application.

Applicant(s) thank(s) the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

It is noted that the Office Action alleges that the IDS submitted on November 2, 2005 did not provide legible copies of cited foreign and non-US patent references. This is being investigated and should a further IDS be found to be required for consideration of the references, it will be subsequently provided.

In the Office Action, claims 17-22 are objected to for informalities. This objection is partially traversed. It is respectfully submitted that claims 17-20 are drawn to an "apparatus" and not the record carrier per se and therefore are patentable under §101 and are therefore statutory and an indication to that effect is respectfully requested. Claims 21 and 22 are amended to be the U.S. patent Office preferred form substantially

reciting a "computer readable medium on which ... is embodied/stored." Accordingly, withdrawal of the objection to claims 21 and 22 is also respectfully requested.

Claims 1-23 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2003/0086566 to Gooch ("Gooch"). It is respectfully submitted that claims 1-23 are allowable over Gooch for at least the following reasons.

Gooch is directed to modifying source data such as audio data, such that without conversion back to the original source form, the data is only readable or copy-able at a reduced quality from the original source form. For example, the digital audio data may be modified so that it no longer is compliant with the "red-book" standard (see, paragraph [0034]). However, as made clear in all the sections of Gooch cited in the Office Action, Gooch addresses modifications to the data, such as audio data. Similarly, Gooch does not discuss in any of the sections cited in the Office Action subcode frames including synchronization symbols and data symbols at predetermined positions nor assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions provided for data symbols. The sections cited in Gooch

discuss modifications to timing subcode but that is not what is recited in the claims against which those sections are cited.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Gooch. For example, Gooch does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "[m]ethod of copy detection of a record carrier on which a table of contents is mastered, wherein said table of contents is mastered on said record carrier in a detectable non-standard way" as recited in claim 1, and as similarly recited in each of claims 12, 17, 19 and 21. In Gooch it is the data itself that is modified and not the table of contents.

It is respectfully submitted that the method of claim 11 is not anticipated or made obvious by the teachings of Gooch. For example, Gooch does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "storing subcode data on said record carrier in subcode frames of a subcode channel, each subcode frame comprising synchronization symbols and data symbols at predetermined positions within said subcode frame, and assigning and storing a number of additional synchronization symbols to at least one subcode frame at positions

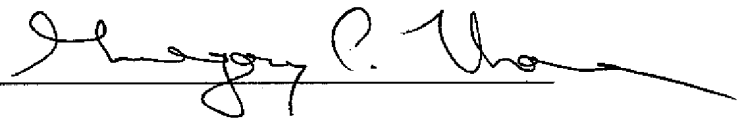
provided for data symbols so that during read-out of said subcode channel a check signal can be generated indicating the presence or absence of said additional synchronization symbols" as recited in claim 11 and as similarly recited in each of claims 16, 20, and 22.

Based on the foregoing, the Applicants respectfully submit that claims 1, 11, 12, 16, 17 and 19-22 are patentable over Gooch and notice to this effect is earnestly solicited. Claims 2-10, 13-15, 18 and 23 respectively depend from one of claims 1 and 12 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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June 18, 2008

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